

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. NICKLES (for himself,
Mr. KYL, Mr. THURMOND, and
Mr. GRASSLEY):

S. 173. A bill to provide for restitution of victims of crimes, and for other purposes; to the Committee on the Judiciary.

CRIME VICTIMS RESTITUTION ACT

Mr. NICKLES. Mr. President, I have come to the floor today to reintroduce the Crime Victims Restitution Act. Last fall when the Senate passed its version of the crime bill, I lauded the inclusion of my victim's rights and mandatory restitution provisions in the legislation. Three years ago, I introduced the Victim's Rights and Restitution Act, and many of those victim's rights provisions passed as part of the 1990 crime bill. However, each time this restitution provision has passed the Senate it has subsequently been dropped in conference.

Passage of this legislation would signal a great victory for all victims of crime. If these provisions become law, crime victims will enjoy rights at the Federal level that many States already guarantee. Most important are the act's restitution provisions, making criminals pay for their crimes. Under the legislation, crime victims will be entitled to receive full financial compensation directly from the criminal in the form of mandatory restitution.

Over the last several years, it seems we have continuously debated what should be done to improve our Nation's judicial system. Now is the time to do something about it. I strongly believe our judicial system needs fundamental reform to help our police officers and courts deal with the overwhelming increase in crime. Furthermore, it is crucial that while trying to facilitate more effective and efficient methods of dealing with criminals, we must not forget about the most important part of the crime-fighting equation: The victims.

In 1990, I authored the crime victim's bill of rights which passed as part of the 1990 crime bill. For crimes tried in Federal court, victims now have the right to be notified of and involved in court proceedings, the right to be protected from the accused, the right to be treated fairly and with respect, and the right to be informed of the detention status of the convicted criminal.

However, passage of just the victims rights portion of my proposal left some unfinished business. Crime victims should be entitled to compensation for losses sustained from their victimization. This glaring inequity was remedied in the crime bill when it passed the Senate last year. It contained mandates that courts order restitution in all Federal criminal cases. Victims would be able to recover financial losses resulting from the criminal act. This restitution order would be a condition of any form of release for the offender. The legislation would ensure

that the criminal not only pays his debt to society, but he also pays his debt to his victim. However, the Democrats in the House voted to delete these provisions from the final crime bill.

The provisions of this legislation also overturn the Supreme Court's ruling in the Hughey case which stated restitution could not be ordered for crimes beyond the scope of the offense of conviction. So, if a criminal is convicted of a criminal offense, but plea bargains his way out of a conviction on a second offense, he cannot be held responsible to repay the victim of the second offense. This obvious shortcoming would be corrected by allowing the court to consider the course of criminal conduct and order restitution for crimes other than the offense of conviction. Plea bargains should not result in victims being denied the justice they deserve which certainly includes full restitution from the offender.

Over the years mandatory restitution has received the written endorsements of victim rights experts across the Nation including the National Organization for Victim Assistance, the National Victim Center, Mothers Against Drunk Driving, and the National Coalition Against Sexual Assault.

This landmark victim's legislation needs to be enacted into law. Mandatory restitution, while not healing all the wounds associated with a crime, will provide some compensation to help people who have been victimized and allow them to get their lives back in order. If Congress reconsiders crime legislation this year, these provisions certainly need to be a part of the final bill.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. DOLE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 3, a bill to control crime, and for other purposes.

S. 145

At the request of Mr. GRAMM, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 145, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

AMENDMENT NO. 4

At the request of Mr. BRADLEY, his name was added as a cosponsor of amendment No. 4 proposed to S. 2, a bill to make certain laws applicable to the legislative branch of the Federal Government.

SENATE RESOLUTION 31—REL-
ATIVE TO THE ATTORNEY GEN-
ERAL

Mrs. BOXER (for herself, Mrs. MURRAY, Mr. FEINGOLD, Mr. KERRY, Mr. KENNEDY, Mr. CAMPBELL, Mr. SIMON, Mr. LAUTENBERG, Mr. DODD, Mr. BAUCUS, Mr. LEVIN, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. JEFFORDS, Mr. PELL, Mr. CHAFEE, Ms. SNOWE, Mr. INOUE, and Mr. BRADLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 31

Whereas there are approximately 900 clinics in the United States providing reproductive health services;

Whereas violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the recent shootings at two reproductive health clinics in Massachusetts and another health care clinic in Virginia;

Whereas organizations monitoring clinic violence have recorded over 130 incidents of violence or harassment directed at reproductive health care clinics and their personnel in 1994 such as death threats, stalking, chemical attacks, bombings and arson;

Whereas there has been one attempted murder in Florida and four individuals killed at reproductive health care clinics in Florida and Massachusetts in 1994;

Whereas the Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services;

Whereas violence is not a mode of free speech and should not be condoned as a method of expressing an opinion;

Whereas persons exercising their constitutional rights and acting completely within the law are entitled to full protection from the Federal Government;

Whereas the Freedom of Access to Clinic Entrances Act of 1994 imposes a mandate on the Federal Government to protect individuals seeking to obtain or provide reproductive health services; and

Whereas the Attorney General has at her disposal law enforcement personnel including 10,000 FBI agents and over 2,000 members of the United States Marshals Service: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Attorney General should fully enforce the law and take any further necessary measures to protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack.

Mrs. BOXER. Mr. President, I am submitting a resolution that calls on the Attorney General to do everything she can to protect reproductive health care clinics, given the violence that we have seen throughout America. I think that all of my colleagues share that view this violence is deplorable. This is a bipartisan resolution that I am submitting today. It includes Republicans and Democrats.

I hope the Attorney General will follow the advice of the resolution, and I hope she will also listen to the advice of the President, who says please let us